

# **EXHIBIT 7**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JERMAINE DOCKERY, ET AL.

PLAINTIFFS

V.

CIVIL ACTION NO.3:13CV326-TSL-JMR

CHRISTOPHER EPPS, ET AL.

DEFENDANTS

\*\*\*\*\*  
VIDEO DEPOSITION OF CAPTAIN MATTHEW NAIDOW  
\*\*\*\*\*

Taken at Phelps Dunbar,  
4270 I-55 North,  
Jackso, Mississippi,  
on Thursday, March 13, 2014  
beginning at approximately 9:13 a.m.

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KELLY M. POWELL, CCR  
Certified Court Reporter #1692  
Notary Public

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1 A. I'm a shift captain, ma'am.

2 Q. Shift captain?

3 A. Yes.

4 Q. Where is that?

5 A. East Mississippi Correctional Facility.

6 Q. Could you describe your duties as shift  
7 captain?

8 A. Duties as a shift captain are basically  
9 daily roster management of your staff and showing  
10 that you had the proper staff at -- on shift daily  
11 to cover the assignments that are mandated by MDOC  
12 I'm involved in handling inmate situations, which  
13 could be inmate uprisings or simple medical  
14 problems or transports or handling employee  
15 discipline, time and attendance issues, payroll,  
16 scheduling. It's a whole realm of things that  
17 happen during the day, responding to incidents.

18 Q. When did you start working at East  
19 Mississippi? I'm going to refer to it as EMCF --

20 A. That's fine.

21 Q. -- if that's okay.

22 A. I started with EMCF in November of 2011.

23 Q. And when you started working at EMCF, who  
24 was your employer?

25 A. GEO Corporation.

1 Q. And there came a time when EMCF was no  
2 longer managed by GEO, but began to be managed by  
3 MTC?

4 A. Correct.

5 Q. Was that in July of 2012?

6 A. Yes, it was.

7 Q. In -- when you started working at EMCF,  
8 what was your position?

9 A. I actually came down as a temporary --  
10 temporary duty officer from Michigan. I became the  
11 tool control officer when I first started at EMCF.

12 Q. What's a tool control officer?

13 A. Tool control puts together all of your  
14 inventory procedures and accounts for all of the  
15 equipment at the facility, whether it be radios and  
16 handcuffs and various things like that.

17 Q. And when you came down, I -- was -- did  
18 you say it was in November 2011?

19 A. Yes, ma'am.

20 Q. Could you tell me what positions you've  
21 held at EMCF since you began in November 2011?

22 A. I came as, like I said, an officer, tool  
23 control officer. When GEO sent pretty much all of  
24 the TDY staff back to their various states that  
25 they were there, I stayed as a sergeant. Within a

1 couple of weeks, I was made a captain due to my  
2 past experience. Shortly after that, I was the  
3 training director. Then I went back to being the  
4 shift captain, and then I went to be the  
5 administrative captain, and then back to shift  
6 captain.

7 Q. Could you describe to me what each of  
8 these positions entail? I think you've already --  
9 well --

10 A. Sure.

11 Q. -- tell me what -- and if you -- and to  
12 the best that you can recall, tell me the date when  
13 you started each position.

14 A. Okay. That's tough to recall, but I will  
15 do my best.

16 Q. Okay.

17 A. I started, like I said, in November '11,  
18 November 2011, as the tool control officer.  
19 Somewhere around January of 2012, like I said, they  
20 were sending most of the people back to their  
21 states. That's when I became -- I accepted a  
22 position as a sergeant at the facility.

23 Q. When you say they were sending people  
24 back to their states, you mean GEO?

25 A. GEO was, yes.

1 Q. Do you believe that EMCF would be a safer  
2 place if there were more security staff?

3 A. I would say yes to that question.

4 Q. What about the training of security staff

5 --

6 A. Uh-huh (affirmative response).

7 Q. -- do you feel that security staff are  
8 adequately trained for the sake of safety?

9 A. I believe they're trained in MDOC based  
10 on the requirements of what MDOC has us train them  
11 on. That's about the best answer I can give for  
12 that because...

13 Q. Do you believe that the --

14 MS. WINTER: Could you read back that  
15 answer?

16 (Record read.)

17 Q. (By Ms. Winter) In your opinion, could  
18 MDOC's training requirements be improved?

19 A. In my opinion, yes.

20 Q. In what way could they be improved?

21 A. It's hard for me to put that into  
22 perspective coming from a different state that  
23 requires much, much more training.

24 Q. Well, we understand that Michigan is a  
25 different state from Mississippi, but in your

1 experience, in your long experience as a  
2 corrections professional with a lot of experience  
3 in security, what do you think might be the  
4 deficiencies in training that could improve safety  
5 if they were addressed?

6 A. I think it starts from outside, not  
7 inside. I think it's about qualifications to get  
8 the jobs in the first place.

9 Q. Could you expand on that? What do you  
10 mean by qualifications?

11 A. Again, it's a -- for me, it's a  
12 comparison, because in Michigan, your civil service  
13 jobs, your union, you have to go through a lengthy  
14 civil service examination and application to even  
15 get onto the roster to become a correctional  
16 officer, and then you have to have college  
17 education, a certificate in corrections, and then  
18 once you -- then you might -- you might not get  
19 hired, and if you do get hired, you go through a  
20 rigorous 16 week academy, so my comparison to what  
21 we train is -- yeah, I believe it's -- I believe  
22 it's deficient.

23 Q. Deficient?

24 A. Uh-huh (affirmative response).

25 Q. And the deficiency is in the

1 qualifications of the people who are hired?

2 A. In some ways, yes.

3 Q. And what sort of deficiencies are we  
4 talking about?

5 A. It's tough to put that in -- in  
6 perspective. I mean, the training that we do at  
7 the facility, based on the requirements of MTC, and  
8 based on -- which is based on the requirements of  
9 MDOC, is a fairly good training program. It's --  
10 it covers all of the policies and procedures that  
11 are necessary to work on the job. I just don't  
12 think it's lengthy enough and the -- the criteria  
13 to get the job is too low.

14 Q. Looking at the training, there's a  
15 training academy?

16 A. Yes, ma'am.

17 Q. That's run by MDOC?

18 A. It's run by us, but it's based on MDOC  
19 standards.

20 MR. FRIEDMAN: You probably need to stop  
21 going side to side.

22 THE WITNESS: Sorry, I'm messing the  
23 camera up.

24 MR. FRIEDMAN: You're a moving target.

25 THE WITNESS: I will put my hands up and



1 that will stop it.

2 MR. FRIEDMAN: Yeah, that will probably  
3 be better.

4 Q. (By Ms. Winter) So the training academy  
5 is run by MTC?

6 A. Yes, ma'am.

7 Q. But is the curriculum created by MDOC or  
8 by MTC?

9 A. The majority of the curriculum is our  
10 curriculum, but it's based on MDOC training  
11 requirements and policies and procedures, and that  
12 would depend -- that would depend on what the  
13 subject matter was. If it was use of force, it's  
14 based off the MDOC use of force policy.

15 Q. I believe you mentioned that you didn't  
16 think that the length of the training was adequate.  
17 How long is the -- and I'm talking right now about  
18 pre-service training. How long does an employee  
19 train before actually becoming a correctional  
20 officer at EMCF?

21 A. The training program is a three week  
22 training program with a -- a one week of on-the-job  
23 training after the program has been completed, so  
24 four weeks total.

25 Q. Did you say that it was 16 weeks in

1 contribute -- are a contributing factor to staff  
2 turnover?

3 A. I would say yes.

4 Q. You mentioned a few minutes ago that  
5 there was staff corruption. Does that corruption  
6 entail, in part, cooperating in some ways with  
7 prison gang members?

8 A. Yes.

9 Q. And it involves deals being made between  
10 prison gangs and correctional staff to bring  
11 contraband into the facility?

12 A. Sure, gangs or individual inmates. It  
13 just depends on who.

14 Q. And does the corruption also sometimes  
15 involve extortion either by staff or inmates of  
16 other inmates?

17 A. Yes, ma'am.

18 Q. Could you give an example of how that  
19 extortion might work?

20 A. We actually -- that's one of the classes  
21 we teach in our academy is extortion. It's easy  
22 for an inmate to be after another inmate and try  
23 and extort them by threatening them and telling  
24 them to contact your family or we're going to --  
25 we're going to kill you or stab you or beat you up

1 or whatever if you don't have your family send in  
2 some green dot money or collude with somebody on  
3 the outside and meet them to bring in contraband or  
4 things like that. That's a type of extortion, and  
5 that can also be transferred over to staff members  
6 who could be extorted or with the promises of great  
7 amounts of money, what they think is great amounts  
8 of money to bring in certain items.

9 Q. Well, when you say extorted, the staff  
10 members aren't extorted so much as bribed, wouldn't  
11 that be fair to say?

12 A. At times, they would be extorted.

13 Q. And how can they be extorted after all of  
14 the staff members can walk out of the prison?

15 A. Well, by -- by giving in to certain  
16 things, an inmate can start you off very small,  
17 bringing in something very little. It could be  
18 candy; it could be an article of clothing; it could  
19 be something like that, and at that point, they  
20 believe that they have you, and they begin trying  
21 to extort you and telling you we're going to tell  
22 on you; you're going to lose your job if you don't  
23 do this for us, things like that, and that's a  
24 method of extorting inmates to bring in -- or staff  
25 to bring in more and higher and more illegal

1 things.

2 Q. And that happens at EMCF?

3 A. That happens at every prison, ma'am.

4 Q. Does it happen a lot at EMCF?

5 A. A higher concentration of staff than I've  
6 seen in other places, yes.

7 Q. Do you have any views on why that might  
8 be?

9 A. Pretty much everything we've talked about  
10 so far, the quality of staff, the -- the local pool  
11 of staff that we have to draw from, the local area  
12 that we have to draw from.

13 Q. And the low wages?

14 A. And the low wages.

15 Q. I believe you testified that you didn't  
16 see the whole complaint, the plaintiffs' complaint  
17 or you didn't go through it; is that correct?

18 A. I haven't seen the whole complaint. I've  
19 probably seen versions or smaller pieces of it,  
20 but, no, not the whole complaint.

21 Q. So did you look at the smaller pieces of  
22 it that involve the environmental issues?

23 A. I have seen some things that involved  
24 environmental issues, yes.

25 Q. You testified that when you came to EMCF

1 accurate to say that in those cells in segregation  
2 that if you don't have a working light that it is  
3 very dim in those cells during the day?

4 A. Yes, ma'am, it is.

5 Q. Barely enough light to see?

6 A. Especially if they cover their windows  
7 with whatever they cover them with, then it's  
8 really hard to see.

9 Q. And what if they don't, is there still  
10 very little light?

11 A. It's dim, yeah, it's not quality  
12 lighting.

13 Q. And total darkness at night?

14 A. It would be pretty dark in there at  
15 night, yes.

16 Q. Have you -- have you ever heard of  
17 prisoners being left in shower stalls for many  
18 hours at a time?

19 A. I have, yes.

20 Q. And why does that happen?

21 A. No good reason, in my opinion, unless we  
22 had a unruly offender, and we had to take him out  
23 of his cell to place him in a shower for possible  
24 decontamination or stuff like that. Sometimes it's  
25 more or less a cool-down period to place them in an

1 area away from their cell while it decontaminates  
2 so...

3 Q. Can you think of a good reason why an  
4 inmate would be left in a shower stall for hours at  
5 a time?

6 A. No, I cannot.

7 Q. Do you know whether that ever happens?

8 A. Happens or happened, I've seen it happen,  
9 yes.

10 Q. When you say you've seen it happen, how  
11 did that come to your attention?

12 A. Usually advised as a shift manager or  
13 supervisor that when -- could be you came on shift  
14 and someone says, hey, we've got so and so down in  
15 6 Delta still in the shower and something like  
16 that, and we would go down and remove that inmate  
17 and put him back where he belongs.

18 Q. After hours sometimes?

19 A. I believe so, yes.

20 Q. Have you ever been aware of a vermin  
21 problem at EMCF of rats or mice?

22 A. Yes, I've seen issues -- situations where  
23 there have been rats or mice or insects or  
24 whatever, but to the extent that it says in  
25 paragraph 3, another gross exaggeration.

1 Q. Does it occur during prolonged lockdowns  
2 that some prisoners don't get out of their cell to  
3 exercise for many days at a time?

4 A. I think so, yes.

5 Q. And sometimes for weeks at a time,  
6 correct?

7 A. I've seen -- if you want to call it  
8 recreation, really, it's out of cell time, and  
9 sometimes we include their shower time and things  
10 like that as part of that out of cell time.

11 Q. I'm not sure I understand that answer.  
12 Let me try again. Prisoners are, in general,  
13 entitled to go to an outdoor exercise yard; is that  
14 true?

15 A. Most of the time if they're in a general  
16 population area, yes.

17 Q. And, in general, they are entitled to go  
18 to an outdoor exercise yard a number of times every  
19 week; is that correct?

20 A. Yes, ma'am.

21 Q. Would that be every day?

22 A. For, like I said, our segregation  
23 population, the policy is one hour a day, five days  
24 a week.

25 Q. During a lockdown, does it sometimes

1 happen that prisoners don't get out of their cell  
2 to the exercise yard, I believe you testified, for  
3 days at a time?

4 A. Yes.

5 Q. And sometimes for weeks at a time,  
6 correct?

7 A. I can't stipulate the amount of time that  
8 they did not get out, but a lengthy period of time,  
9 yes.

10 Q. So as far as you know, it could be for  
11 weeks at a time, correct?

12 A. It could be, ma'am.

13 Q. What about legal visits during lockdowns,  
14 do prisoners get to go to a -- if their lawyer  
15 wants to talk to them, for example, about their  
16 criminal case, would they get to have a legal  
17 visit?

18 A. Attorney visits are something that we  
19 have to provide, yes.

20 Q. So if I wanted to meet with one of the  
21 plaintiffs during a lockdown, I would be able to do  
22 that?

23 A. Yes, ma'am.

24 Q. What about family visits, are they  
25 permitted during lockdowns -- prolonged lockdowns?



1           A.    Most of the time, no.  That shouldn't --  
2   that shouldn't happen --

3           Q.    Does that --

4           A.    -- although we do have some of the same  
5   inmates cause the same problems every day.

6           Q.    Understood, yeah.  So the reason --  
7   looking then at the -- at the causes of why, in  
8   segregation, prisoners might not get out of their  
9   cells to shower or exercise for days at a time, is  
10   the -- is -- could part of the reason be not enough  
11   adequately trained security staff?

12          A.    Sure.

13          Q.    Have you ever observed prisoners at EMCF  
14   who appear to suffer from serious mental illness?

15          A.    Yes, ma'am.

16          Q.    Can you describe some of the situations  
17   you've seen where a prisoner appeared to be  
18   suffering from serious mental illness?

19          A.    Well, I believe that we have a -- just  
20   describing the prison itself, 92 percent of our  
21   prison population is on some type of medication,  
22   and 76 percent of that is on psychotropic drugs, so  
23   we have a large population of mentally ill, or  
24   whatever level they're on, from maybe an anger  
25   management person to a highly schizophrenic person,

1 and we have various units where these prisoners are  
2 housed for more mental health treatment than  
3 others. And to be honest with you, when I first  
4 came to EMCF and walked on one of our housing  
5 units, I kind of joke about it a little bit, but  
6 most of us here are old enough to have seen One  
7 Flew Over the Cuckoo's Nest, and sometimes those  
8 units look like that. Some of the guys are in high  
9 states of psychosis and don't really know how to  
10 talk to you or what's going on and are stumbling  
11 around the unit or banging their heads against the  
12 wall, but more than that, we have a high  
13 concentration of self-mutilators at that prison.

14 Q. So have you ever actually observed a  
15 prisoner who has self-mutilated?

16 A. Yes, ma'am.

17 Q. Have you ever observed prisoners who  
18 appear to be hallucinating?

19 A. Yes.

20 Q. Have you observed prisoners who appear to  
21 be prisoners who are unkempt and malodorous --

22 A. Yes.

23 Q. -- who have not been --

24 A. Yes.

25 Q. Yes?

1 A. Yes.

2 Q. Have you observed prisoners where this  
3 goes on for a long time, days or weeks where they  
4 are unkempt and malodorous?

5 A. Yes.

6 Q. Is dealing with mentally ill prisoners  
7 part of the staff training?

8 A. They do get mental health training, some  
9 mental health training, yes.

10 Q. Do all officers at EMCF, is that part of  
11 the academy curriculum --

12 A. It is.

13 Q. -- before they're --

14 A. Yes.

15 Q. Do you recall how -- how many hours in  
16 the curriculum the training is?

17 A. I don't know what the actual hours are,  
18 not extensive enough.

19 Q. Okay. And why do you believe that the  
20 hours are not extensive enough?

21 A. I just -- it's just -- it's because I  
22 have to revert back to where I come from. In  
23 Michigan, we had staff who were specifically  
24 trained to work in units like that, and they  
25 were -- they were -- they weren't even called

1 Q. As far as you can see, are there any  
2 seriously mentally ill prisoners who are housed in  
3 the long-term segregation unit?

4 A. Based on their activities and actions,  
5 probably, yes.

6 Q. What kind of activities and actions make  
7 you believe that seriously mentally ill prisoners  
8 are housed in segregation in Unit 5?

9 A. Well, their -- their actions of  
10 self-mutilation, anger management issues, lack of  
11 cooperation with anything. Like you said, some of  
12 them are, you know, unkempt and don't take care of  
13 themselves, so --

14 Q. Any --

15 A. -- you know, and there's -- there's a  
16 fine line between a mental health issue and a  
17 behavioral problem. We have a lot of serious  
18 behavioral problems who might be classified as  
19 mental ill -- mentally ill as well and still be on  
20 medication, but medication for different reasons.

21 Q. As far as you are able to tell or to  
22 know, are there prisoners who are delusional in  
23 Unit 5?

24 A. Sure. I would think so, yes.

25 Q. Are there prisoners who -- who appear to

1 be behaving psychotically, that is in some way that  
2 is a break with reality? And just for example of  
3 ceaselessly talking to themselves?

4 A. Yes.

5 Q. Or inappropriately making inappropriate  
6 noises?

7 A. We have -- we have it all. Where they're  
8 definitely housed, we have all of that type of  
9 behavioral --

10 Q. And right now --

11 A. -- situations.

12 Q. -- I'm talking about prisoners in Unit 5  
13 in segregation, long-term segregation.

14 A. I think in Unit 5 particularly, yes, I  
15 believe we have some highly mentally ill inmates  
16 there, but I believe we have more of a behavioral  
17 management problem there than anything else.

18 Q. But you've observed psychotic and  
19 delusional behavior?

20 A. Yes, I have, yes.

21 Q. And what about in -- in 6 Delta, do you  
22 believe that there are ever prisoners with serious  
23 mental illness being housed in 6 Delta in  
24 segregation?

25 A. Occasionally, but we also take, you know,

1 Q. No, no, I'm not asking for that.

2 A. I just think they degrade, yeah.

3 Q. Do you mean mentally?

4 A. Sure.

5 Q. Emotionally?

6 A. Yes.

7 Q. Behaviorally?

8 A. Definitely.

9 Q. Do you believe that under any prolonged  
10 segregation, that people -- that they feel a lot --  
11 that they feel pain from that, that they suffer  
12 from that?

13 A. I would think so.

14 Q. Are some of the other disturbed behaviors  
15 that you've seen in long-term solitary, does it  
16 include -- have you ever seen or heard of prisoners  
17 smearing themselves with excrement?

18 A. Yes, ma'am.

19 Q. And I think you've mentioned  
20 self-mutilation. Does that ever become a  
21 repetitive -- a repetitive behavior?

22 A. Most self-muti -- if they're real  
23 self-mutilators, they are repetitive, yes, ma'am.

24 Q. Have you ever seen a prisoner who appears  
25 to be badly scarred from -- or with open wounds

1 A. Most of the time, we can, yes.

2 Q. And then you have the opportunity to  
3 involve mental and medical --

4 A. Yes, ma'am.

5 Q. -- staff? And would you agree that it's  
6 important to use that opportunity to -- for mental  
7 health staff to try to persuade the inmate to  
8 voluntarily comply with orders?

9 A. I 100 percent agree with you, yes.

10 Q. And you would agree that actual force  
11 should only be used as a last resort after those  
12 efforts have failed?

13 A. Yes, ma'am.

14 Q. Suicide attempts in segregation --

15 A. Uh-huh (affirmative response).

16 Q. -- at EMCF are not uncommon, are they?

17 A. They're not common, either. They've  
18 happened.

19 Q. They happen?

20 A. Yes.

21 Q. Have you known -- we've talked a little  
22 bit about self-mutilation. Have you ever heard of  
23 prisoners trying to electrocute themselves in  
24 segregation?

25 A. I've seen it before, but not here in

1           A.    I believe that in some cases, some staff  
2   were afraid to go on those pods, and we didn't get  
3   accurate rounds from those people.

4           Q.    What makes you believe that staff were  
5   not actually consistently making those rounds in  
6   long-term segregation?

7           A.    Documentation would show that they  
8   weren't.

9           Q.    What sort of documentation?

10          A.    If they failed to do their -- their  
11   logbook rounds.

12          Q.    Sometimes staff fill in -- it can happen,  
13   can't it, that staff fill in logbook rounds when  
14   they haven't actually made a round?

15          A.    Yes, they -- yes, they can.

16          Q.    And that does, in fact, happen, doesn't  
17   it?

18          A.    Yes, it happens.

19          Q.    It has happened at EMCF, right?

20          A.    Yes, it has.

21          Q.    It's happened more than once, hasn't it?

22          A.    Probably.

23          Q.    It's probably happened a lot, hasn't it?

24          A.    I can't stipulate to a lot, but I do know  
25   that we have methods of finding out if people went



1 on those housing units or not, and when we find  
2 that they didn't, they are put through a  
3 disciplinary action.

4 Q. But you, yourself, believe that it  
5 happened -- it has happened a lot in Unit 5 that  
6 those rounds were not --

7 A. I believe it's happened.

8 Q. Even though the logbooks would show that  
9 rounds were being made, correct?

10 A. Correct.

11 Q. If it should happen that security staff  
12 isn't doing their rounding, I'm talking now the  
13 period before 24/7 staffing --

14 A. Right.

15 Q. -- that happened -- that started two  
16 months ago.

17 A. Right.

18 Q. If that rounding didn't, in fact, happen  
19 and staff were missing their rounds --

20 A. Uh-huh (affirmative response).

21 Q. -- how would an inmate in that prolonged  
22 long-term segregation unit summon help in case of  
23 emergency? What could they do?

24 A. Scream and yell and bang on their door.

25 Q. Did that happen?

1 investigations done on instances like that, yes.

2 Q. In your view, does that happen?

3 A. It has happened, yes.

4 Q. And do you have information that that no  
5 longer happens?

6 A. As far as staff aiding inmates to get  
7 away with things, I don't have any factual  
8 information on that right now, no.

9 Q. You talked earlier about staff  
10 corruption.

11 A. Uh-huh (affirmative response).

12 Q. That is an ongoing problem at EMCF, isn't  
13 it?

14 A. Well, I believe so, yes.

15 Q. And part of that staff corruption  
16 involves staff having improperly close  
17 relationships with some inmates, and by that, I  
18 mean doing them favors; isn't that correct?

19 A. Yes.

20 Q. And the favors would include allowing  
21 inmates who are locked down in one area to go to  
22 another area in order to injure another prisoner;  
23 isn't that correct?

24 A. It could be.

25 Q. Or in order to extort another prisoner;

1 isn't that correct?

2 A. Yes.

3 Q. And isn't it a fact that some staff take  
4 bribes from prisoners or, put another way, extort  
5 prisoners for money in order to see to it that a  
6 prisoner does not get a rules violation conviction?

7 A. I don't -- I don't have any facts on  
8 that, no.

9 Q. Have you ever heard of that happening?

10 A. I've heard of it, yes, but I've had no  
11 facts.

12 Q. Have any inmates ever complained to you  
13 that they've been told that a rules violation  
14 charge would go away if they paid --

15 A. Yes.

16 Q. -- staff?

17 A. Yes, I've had inmates tell me that.

18 Q. Can you remember when the last time you  
19 had heard an inmate say that was?

20 A. I can't remember an actual frame of time.  
21 Inmates have told me that many times.

22 Q. Did you -- did you rule out that that  
23 could have happened?

24 A. No. I've never ruled out. I don't rule  
25 out anything.

1 A. Yes.

2 Q. And have you known that to happen  
3 sometimes?

4 A. I believe that they've set fires for all  
5 sorts of reasons and sometimes probably just to get  
6 attention, yes.

7 Q. And sometimes because there's a medical  
8 emergency, correct?

9 A. It could be. I don't -- I don't have the  
10 facts on that, but it could be.

11 Q. If a cell door pops open because, as  
12 we've -- as you've agreed, those cell doors can be  
13 manipulated by prisoners, and another inmate, say  
14 an enemy, enters that -- that segregation cell and  
15 assaults them, how would that prisoner summon help?  
16 I'm talking about before the 24/7 surveillance.

17 A. Basically, he would -- if there was  
18 nobody on that pod or nobody near there, he would  
19 try and alert the control tower of the situation.  
20 Usually, if that door pops open, there's an alarm  
21 that goes to that officer that that door is open,  
22 so they would know that a door was open.

23 Q. Yes, but it's often happened or it --  
24 let's put it this way: It's not at all unknown, is  
25 it, that those cell doors do open and that

1 prisoners enter a cell where they're supposed to  
2 be, and they extort other prisoners sometimes at  
3 knifepoint; isn't that correct?

4 A. Yes, ma'am. It's happened.

5 Q. And sometimes they enter those cells  
6 where the door has been popped open, and they  
7 sexually assault the inmate in that cell, correct?

8 A. I believe it's happened.

9 Q. And that's despite the fact that when the  
10 door pops open, somebody in the control tower knows  
11 that the cell has been popped, right?

12 A. It's happened. As far -- if you're  
13 talking about Housing Unit 5, in 5, the likelihood  
14 of somebody not knowing that that door is opened is  
15 not -- not feasible. I mean, it -- in your other  
16 housing units where the inmates are all out, it's  
17 more feasible to happen there, but not in Housing  
18 Unit 5. Those are really by far the safest units  
19 even though they're the most high -- highly secure  
20 units.

21 Q. So just to make sure that we're  
22 understanding each other, it does happen, it has  
23 happened --

24 A. It has happened.

25 Q. -- in Unit 5, correct?

1 A. It has happened.

2 Q. But it also happens, and perhaps more  
3 frequently, in other units, correct?

4 A. It happens easier there.

5 Q. In fact, it's happened a lot of times,  
6 hasn't it, that in other units at EMCF that some  
7 prisoner will go to another prisoner's cell and get  
8 the door opened somehow and go in and sexually  
9 assault that prisoner, correct?

10 A. Did you say a lot?

11 Q. All right. Well, let's not say a lot.

12 A. I will say it's happened.

13 Q. It happens, okay.

14 A. It has not happened a lot. Sexual  
15 assaults are not prevalent.

16 Q. Okay. Let's leave apart whether  
17 they're -- they're prevalent. Would it be fair to  
18 say that it's not really rare -- sexual assault is  
19 not a rare happening at EMCF, is it?

20 MR. FRIEDMAN: Object to the form.

21 A. In -- I would answer that it -- it is  
22 rare.

23 Q. (By Ms. Winter) Okay.

24 A. Our records would show those are  
25 considered PRIs, and they're rare.

1 Q. Are you confident that all or most sexual  
2 assaults are reported?

3 A. That just came through my head before you  
4 said that, probably not.

5 Q. And in units other than Unit 5 long-term  
6 segregation, it happens, doesn't it, that prisoners  
7 go to housing areas where they don't belong? They  
8 manage to open another prisoner's cell, and they  
9 extort them for money, correct?

10 A. It has happened, yes.

11 Q. And --

12 A. In most cases, ma'am, they don't go and  
13 open the other prisoner's cell. It was probably  
14 opened already.

15 Q. Opened by whom?

16 A. Probably the prisoner who lives in it.

17 Q. And do you mean that the prisoner who  
18 lived in it opens it illegally, so to speak?

19 A. Yes, ma'am.

20 Q. Sometimes it happens that the staff  
21 facilitate that, right?

22 A. I believe if they're -- they were caught  
23 doing that, and we've had staff who have been  
24 probably caught doing that, yes.

25 Q. Caught doing it so that another prisoner

1 can go in and assault somebody in that cell,  
2 correct?

3 A. I have been involved in an incident like  
4 that, yes.

5 Q. Could you tell us about that incident?

6 A. It's a particular inmate and two staff  
7 were terminated because they allowed two inmates to  
8 go into his cell and assault him.

9 Q. When did that happen?

10 A. Oh, early on in MTC. Oh, September,  
11 October of 2012, somewhere around then.

12 Q. Who were the staff that were involved in  
13 that incident?

14 A. One of them's name was K. Green and  
15 another one was -- it was Kendrick Green and T.  
16 Brewster. I can't think of his first name.

17 Q. It was -- were those -- Kendrick Green  
18 and Brewster, were those male or female officers?

19 A. Male officers.

20 Q. Do you know whether -- were they -- was  
21 their employment terminated?

22 A. Yes, ma'am.

23 Q. Are -- can they ever be rehired by MDOC  
24 to your -- to the best of your knowledge?

25 A. MDOC, I don't know what their background



1 checks are like, but I would believe not.

2 Q. Do you know what kind of interviewing was  
3 done of them before they were terminated?

4 A. I don't know anything about the  
5 disciplinary process that went on with them. I  
6 just know that I was partial to the investigation  
7 that happened.

8 Q. How did you become involved in the  
9 investigation?

10 A. I was captain on that shift during the  
11 time that it occurred. I don't believe I was there  
12 that day, but, really, my involvement came much  
13 later when I did an investigation on the inmate who  
14 was being released from long-term segregation and  
15 was afraid of being moved back to general  
16 population.

17 Q. In connection with that incident?

18 A. He was the inmate involved with that  
19 incident, yes.

20 Q. When you say involved, was he the victim  
21 or the perpetrator?

22 A. He was the victim.

23 Q. The victim? Do you recall what that  
24 inmate's name was?

25 A. Yes, I do, it was Phillip Fredenburg.

1 Q. So did that incident come to your  
2 attention because Mr. Fredenburg came to you and  
3 asked for your help?

4 A. No, I believe it came to my attention  
5 through a request to investigate the incident. I  
6 don't know who he channeled it through, whether it  
7 was our contract monitor or came down from MDOC for  
8 somebody to look into it, and it was assigned to  
9 me. Now, yes, I've had many conversations with  
10 that inmate particularly regarding that  
11 investigation when it happened, but, now, that  
12 instance, he didn't come to me with that, no.

13 Q. I see. Did Mr. Fredenburg accuse  
14 security staff of being involved in the incident?

15 A. Yes, he did.

16 Q. Were his allegations validated?

17 A. Like I said, I wasn't really partial to  
18 the investigation or discipline on the two staff.  
19 I just know that they were terminated. And to be  
20 honest with you, I don't even know if it was for  
21 that.

22 Q. Have you ever been involved in any  
23 similar investigations either formally or  
24 informally involving inmate allegations of staff  
25 complicity in that kind of misconduct?

1 A. That type of stuff, no, not really, no.

2 Q. Or any other kind of staff misconduct,  
3 for example, contraband?

4 A. I've been involved in instances of staff  
5 bringing in contraband, but not as the  
6 investigator, not as the investigative party, no.

7 Q. Would it be fair to say that there is a  
8 great deal of contraband in EMCF?

9 A. Yes.

10 Q. And that contraband includes cell phones?

11 A. Yes, ma'am.

12 Q. What else?

13 A. A lot of weaponry that's made by the  
14 inmates, drugs, tobacco, marijuana, things like  
15 that.

16 Q. Would it be fair to say that some kinds  
17 of contraband, like cell phones, that there is at  
18 least a strong possibility that that contraband is  
19 brought into the prison by staff?

20 A. I would say some of it, but I would say  
21 more of it, in the past, had come over the fence  
22 probably.

23 Q. But it doesn't come over the fence  
24 anymore?

25 A. We're cutting down on that big time.

1 A. Sure.

2 Q. So how many times has that happened, more  
3 or less, in 2414, as far as you know?

4 A. As far as not staffing mandatory posts, I  
5 can't give you an accurate display of that. I just  
6 know that it happens, and I know the shift  
7 commanders do their best to staff their shifts and  
8 sometimes it just falls short.

9 Q. And when that happens, could that be a  
10 cause, for example, of a prisoner being locked in a  
11 shower for many hours because there just isn't  
12 staff to take him back to his cell?

13 A. No, that would not be a valid reason why  
14 that would happen.

15 Q. But is that a reason why it might happen?

16 A. I suppose they could make that excuse,  
17 but that's not a valid excuse.

18 Q. Well, why isn't it valid?

19 A. Because regardless of how many staff we  
20 have there, we have a job to do, and you still have  
21 to do your job.

22 Q. So you would agree that there's something  
23 wrong with a prisoner being left in a shower for  
24 hours?

25 A. I would agree with that, yes.

1 Q. Have you ever been aware of correctional  
2 staff who are present in the facility and assigned  
3 to a particular housing unit who leave that area  
4 for an unauthorized purpose?

5 A. Yes.

6 Q. Are you aware of prisoners complaining  
7 that sometimes housing units are left without any  
8 staff coverage for significant periods of time?

9 A. Yes, I've had inmates complain about  
10 that.

11 Q. Have you ever -- have you found -- have  
12 you ever looked into those complaints to see  
13 whether they are valid or not?

14 A. Yes.

15 Q. Are they ever valid?

16 A. Yes, there's been times it's been valid.

17 Q. Can you give me any examples? Well, let  
18 me ask you this: Has this occurred in 2014?

19 A. I think that it occurs -- it's hard to  
20 say when it occurs or why it occurs, but staff do  
21 crazy things. Staff leave their posts, and without  
22 authorization, they don't tell their supervisors  
23 that they walked up front for a half hour. It's  
24 something as supervisors and managers and wardens  
25 and deputy wardens that we check on on a daily

1 basis and make sure those staff are where they're  
2 supposed to be, and when they're not, they get held  
3 accountable for leaving their posts, but does it  
4 happen, yes.

5 Q. Can you recall any occasions when that  
6 happened when there was an emergency in an area  
7 where prisoners were not able to summon staff? And  
8 when I say an emergency, what I mean is maybe a  
9 prisoner was down or having a medical emergency, an  
10 asthma attack that there was --

11 A. I've seen incidents where prisoners have  
12 to bang on their doors to get attention of staff to  
13 a medical emergency, yes, I have.

14 Q. What sort of medical emergency?

15 A. Very recently, you just -- you said an  
16 asthma attack. We did have an asthma attack  
17 recently where staff had to be alerted by the  
18 inmates on the pod.

19 Q. And staff was not present on the unit, I  
20 take it?

21 A. Not -- not on the pod at that time  
22 because they weren't required to be there at the  
23 time.

24 Q. They were not required?

25 A. They were required to do half hour

1 rounds, and the fact that they might have been on  
2 another pod doing their half hour rounds, they had  
3 to alert.

4 Q. Okay. Are you aware of any incident in  
5 which staff was not present and should have been  
6 present and was sort of absent without leave, shall  
7 we say, and an emergency arose?

8 A. Offhand, not -- not at this time, I can't  
9 recall a situation like that.

10 Q. Apart from whether you can recall any  
11 specifics, do you recall that that has happened?

12 A. Well, I believe it's happened and  
13 probably know that it's happened, and it's more or  
14 less the instance that I just stated, that in the  
15 absence of having one officer to every inmate,  
16 there's going to be inmates having problems that  
17 are not seen immediately by staff, and they have to  
18 be alerted by other inmates to get to that  
19 situation.

20 Q. Yeah, but right now, I was asking a more  
21 narrow question. When the emergency arises --

22 A. Uh-huh (affirmative response).

23 Q. -- and staff is not present, not simply  
24 because they're making their appointed rounds and  
25 happen to be --

1 VIDEOGRAPHER: We're back on the record.  
2 The time is approximately 1:10 p.m. This is the  
3 beginning of tape 3.

4 MS. WINTER: Gary, I just wanted to let  
5 you and other counsel know that during the break,  
6 we called the chambers of Judge Ball and left a  
7 message. We couldn't reach him, though. We would  
8 like to raise this question of the warden -- of  
9 Warden Buscher's presence at the deposition.  
10 During the break, we did have an opportunity to  
11 look for authorities, and we think that there is  
12 grounds for asking that he be excluded, so -- but  
13 we don't want to stop the deposition to wait for  
14 the magistrate, if he calls, he calls, if he  
15 doesn't, he doesn't.

16 MR. FRIEDMAN: All right.

17 Q. (By Ms. Winter) Captain Naidow, am I  
18 pronouncing your name right, is it Naidow?

19 A. Naidow, yes, ma'am.

20 Q. Captain Naidow, before the break, we were  
21 talking about staffing and vacancies. Apart from  
22 the question of whether positions are filled, is  
23 absenteeism a problem at the prison? That is are  
24 there staff members who sometimes just don't show  
25 up for work or don't show up on time?



1 A. Yes.

2 Q. Does that create a staffing problem --

3 A. Yes.

4 Q. -- for you? Would you say that that's a  
5 significant problem at the facility?

6 MR. FRIEDMAN: Object to the form.

7 A. I would say on certain days, yes, it is.

8 Q. (By Ms. Winter) Is the lack of  
9 consistent staff attendance worse at EMCF than at  
10 some other prisons you've worked in?

11 A. I've had time and attendance issues  
12 pretty much everywhere. I would say yes, it is.

13 Q. Would you know what to attribute that to?

14 A. Probably a lot of things we've talked  
15 about today, your -- your -- your pay rate, your  
16 quality of staff that you have, work ethic.

17 Q. Do -- and I believe you testified earlier  
18 that staff sometimes does have to work a double  
19 shift, and that happens sometimes because other  
20 security staff don't show up to work when they're  
21 supposed to; is that correct?

22 A. That's true.

23 Q. Isn't it a fact that when someone has to  
24 work a double shift at such a difficult position as  
25 a security staff in a prison like EMCF that that

1 puts a lot of stress on the officers who are  
2 working?

3 A. Sure, I would think so. It's a stressful  
4 job.

5 Q. And when they have to work a double shift  
6 involuntarily because somebody doesn't show up,  
7 that can put some strain on their temper, can't it?

8 A. Yeah, I believe each individual is  
9 different, so some manage it well and some probably  
10 don't.

11 Q. So you think it's fair to say that when  
12 security staff in a -- in a prison like EMCF are  
13 involuntarily working double shifts that it could  
14 affect their ability to do their job well?

15 A. Just talking in my opinion about human  
16 nature, yes, it affects your -- it affects your  
17 life. It affects your ability to go home to be  
18 with your family and to do all sorts of things, so  
19 it makes people upset, yes.

20 Q. And sometimes that might make them not as  
21 responsive to the prisoners' needs as they ought to  
22 be; isn't that fair to say?

23 A. That's possible.

24 Q. Wouldn't it be fair to say that today,  
25 you have an ongoing problem with being

1 short-staffed at EMCF?

2 A. At this moment, we are short-staffed, so  
3 it's -- but we have classes in progress to fix that  
4 situation.

5 Q. Not only from vacancies in authorized  
6 positions, but also periodically short-staffed  
7 because, as we were just talking about, people  
8 don't show up for the job?

9 A. Yes, ma'am.

10 Q. And are you aware that plaintiffs'  
11 counsel in this case has been complaining that  
12 they -- when they go to interview clients in  
13 connection with this case, they sometimes have to  
14 wait for hours in between each interview?

15 A. I've been aware of that in the past, yes.

16 Q. And are you aware that the -- the  
17 justification or the explanation that's provided to  
18 counsel is that there just is not enough security  
19 staff to -- to -- to arrange the meetings with  
20 clients and that's what explains waits of hours  
21 between interviews?

22 A. I believe that that's what some staff may  
23 be telling you.

24 Q. Do you believe that that might not be the  
25 real explanation?

1 Q. I'm going to read aloud to you from an  
2 e-mail that was provided to us. I believe it's  
3 from Freedom -- Open Records Act request, and I  
4 will -- if I don't -- actually, I have extra  
5 copies.

6 MS. WINTER: Let me give one to you,  
7 Gary.

8 Q. (By Ms. Winter) And let me give one to  
9 you, Captain. So this is an e-mail chain, and the  
10 bottom e-mail, which is the first in time, is from  
11 Tyeasa Evans. Do you know a Tyeasa Evans?

12 A. Yeah, Tyeasa Evans.

13 Q. Tyeasa Evans.

14 A. Tyeasa Evans, she's the contract monitor.

15 Q. So is she -- she's MDOC's --

16 A. Yes, ma'am.

17 Q. -- monitor of MTC?

18 A. Yes, and GEO.

19 Q. And GEO, so this bottom e-mail is dated  
20 April 12th, 2012, so that was after several  
21 months -- MTC -- when did MTC take over?

22 A. Not until July of 2012.

23 Q. July, so this is still under GEO. So  
24 Tyeasa Evans says -- is talking to Michael White  
25 and Tony Compton. Are they -- are they MDOC

1 employees from the central office?

2 A. Yes, ma'am.

3 Q. And are they also contract monitors?

4 A. No. Tony Compton is now the -- his  
5 official title is something about the chief of  
6 private prisons or something like that.

7 Q. And what about Michael White?

8 A. He was the former chief over the private  
9 prisons. He moved to a new location. I'm not sure  
10 where.

11 Q. So at the time that Tyeasa Evans, as the  
12 contract monitor for MDOC, communicated with  
13 Michael White and Tony Compton --

14 A. Uh-huh (affirmative response).

15 Q. -- in this e-mail, Mr. Compton and  
16 Mr. White, they had responsibility in MDOC  
17 regarding the private prisons --

18 A. Yes, ma'am.

19 Q. -- in the MDOC systems? Yes?

20 A. Yes.

21 Q. Sorry, I know I'm guilty of this myself,  
22 but we are supposed to try to let the other one  
23 finish before --

24 A. I apologize.

25 Q. Okay. I'm probably doing that more than

1 you, but we have to --

2 A. I apologize.

3 Q. So here's what Tyeasa Evans says. "This  
4 offender" -- the subject is unsanitary conditions.  
5 "This offender has been in the shower since 15:45  
6 hours yesterday," and I note that the e-mail is  
7 dated 12/23 p.m. "I spoke with him, and he stated  
8 that he is still there because he refused to go in  
9 the cell. The window on the door is burned and has  
10 a big hole in it. The cell stinks of urine.  
11 Offender states the toilet does not work, and from  
12 the smell in the cell, I would agree with him.  
13 Flies are all over the door because feces is in the  
14 hole on the front of the door. The cell needs to  
15 be cleaned immediately. Trays are in the cell, he  
16 states, from the last offender that was there.  
17 This is inexcusable. Another offender was placed  
18 in the shower at 15:25 hours and was not taken out  
19 until 20:35 hours." And then you will see at the  
20 top at 4:30 p.m. that Tyeasa Evans again e-mails  
21 Tony Compton and Michael White and says this  
22 offender was still in the shower at 3:59.

23 A. Uh-huh (affirmative response).

24 Q. Do you by any chance recollect this  
25 incident? Did this come to your attention either

1 under control.

2 Q. But it -- but is your testimony that  
3 prisoners are still sometimes kept in showers for  
4 hours at a time, correct?

5 A. I wouldn't say kept there, but sometimes  
6 it takes a long time to get them back out and into  
7 their cells, yes.

8 Q. So left for hours at a time?

9 A. Okay.

10 Q. Yes?

11 A. Yes.

12 Q. And they are naked essentially except for  
13 a towel?

14 A. No, they take their clothes with them to  
15 the shower, and they dress.

16 Q. Okay. Is -- if an officer notes that  
17 there's something wrong with a cell like a hole on  
18 a cell door or feces on the floor or on the wall,  
19 how is the officer expected to respond?

20 A. If you notice it -- excuse me. If he  
21 sees something like that, he's supposed to report  
22 it to a supervisor, who would then handle that  
23 situation and take care of the problem. If there  
24 was a hole in the cell or something like that,  
25 that's a security issue, and we would have to deal

1 completed.

2 Q. Who is the person who has responsibility  
3 for ensuring that conditions in a unit -- that a  
4 reasonable degree of sanitation is maintained?

5 A. That would be your unit manager.

6 Q. And is it also the unit manager who would  
7 be responsible for making sure that mechanical or  
8 structural problems are addressed in a timely way?

9 A. Yeah, and I put that off on basically all  
10 of us. We all have a responsibility to report  
11 mechanical or security failures or things like  
12 that.

13 Q. What are the rules for prisoners'  
14 possession of matches or lighters on Units 5 and 6  
15 Delta?

16 A. Prohibited in the whole facility.

17 Q. So it's the same rule throughout the  
18 housing units, correct?

19 A. Yes, ma'am.

20 Q. Isn't it a fact that sometimes when  
21 prisoners set fire, those fires are allowed to burn  
22 themselves out rather than being proactively put  
23 out by the staff?

24 A. I've seen it both ways. I have seen  
25 fires burn out. I have seen staff immediately



1 respond and put them out.

2 Q. It has happened pretty often in the  
3 segregation unit at EMCF that fires are allowed to  
4 just burn themselves out; isn't that true?

5 A. Not -- not now, it's not, no. Our staff  
6 respond to them with fire extinguishers.

7 Q. But before, is it true that at a previous  
8 time, that fires were --

9 A. I've seen fires take a long time to be  
10 put out or burn themselves out, yes, I have.

11 Q. When -- if you say that that does not  
12 happen now, when did the change occur?

13 A. Presently, I mean, not -- not just now,  
14 it's been ongoing for a lengthy period of time.

15 Q. So is this another example of a change  
16 that has been gradually occurring over the time  
17 that MTC took over from GEO?

18 A. Sure. It's -- it's a continuous  
19 improvement. My -- one director always told me  
20 it's a marathon, it's not a sprint.

21 Q. Where are we on the continuum now in this  
22 marathon today? How close are we to making sure  
23 that fires get put out instead of being allowed to  
24 burn out?

25 A. I think we're pretty close to the finish

1 line, because with the staffing in those areas to a  
2 higher level, with staff being on the housing units  
3 down on Housing 5 and 6, they're readily available  
4 should a fire start, so we're -- we're pretty close  
5 to handling that situation.

6 Q. And -- and this is -- and so would you  
7 say then that you are near the finish line of  
8 what's been a long sort of slow process that's been  
9 going on since MTC came in?

10 A. Sure.

11 Q. And would the same thing be true of  
12 sanitation more generally, not just fires but --

13 A. Yes.

14 Q. -- cleaning?

15 A. It's been a continuum of getting better  
16 and improving and responding and...

17 Q. Have you -- have you ever seen anyone at  
18 EMCF have trouble breathing because of burning  
19 fires?

20 A. Yes.

21 Q. Prisoners?

22 A. Yes.

23 Q. Staff?

24 A. Yes.

25 Q. And when fires burn -- burn for an

1 Q. A staff member telling you that a  
2 prisoner had to use or was issued a garbage bag to  
3 use for their waste because the toilet wasn't  
4 working?

5 A. Yes.

6 Q. And so the prisoner was supposed to  
7 defecate into the trash bag?

8 A. No, negative. I -- ma'am, I can't  
9 elaborate on that. All I'm telling you is that I  
10 heard that.

11 Q. And you've heard it from staff?

12 A. I did hear it from staff.

13 Q. When were you last on Unit 5 or 6 Delta?

14 A. Yesterday.

15 Q. And at that time, were you aware of any  
16 non-working toilets or sinks on the unit?

17 A. Nobody reported any to me, no.

18 Q. You've testified earlier that there are  
19 some times prisoners at EMCF who are in cells  
20 without functioning lights for some period of time,  
21 correct?

22 A. Yes.

23 Q. And sometimes that's for days at a time?

24 A. That has happened, yes.

25 Q. And sometimes it's been weeks at a time,

1 necessary under the circumstances to maintain or  
2 restore order or safety or security?

3 A. Yes, that would be pretty much basic  
4 policy language.

5 Q. Have you ever witnessed a correctional  
6 officer at EMCF use force on a prisoner, whether by  
7 chemical agent or physical force, in the absence of  
8 any immediate threat of danger?

9 A. Yes, I have.

10 Q. Can you -- and is it -- the use -- the  
11 occasions when you've witnessed this, was that --  
12 was the -- this use of force that you observed, was  
13 it approved under policy?

14 A. No.

15 Q. Would you describe an example of a use of  
16 force that you've observed that would not be  
17 approved by policy?

18 A. I've seen inmates -- excuse me, not  
19 inmates, staff get themselves to a point where they  
20 retaliate against an inmate and gas them  
21 inappropriately or possibly strike them  
22 inappropriately when the threat really wasn't  
23 there, and they had the options to do other things.

24 Q. Does that sometimes happen when staff get  
25 stressed out because they are, for example,

1     whatever, spray it through a tray slot and then  
2     close the slot?

3             A.     No, that's not the way use of force is  
4     supposed to be done.

5             Q.     In fact, that would needlessly subject a  
6     prisoner to -- to pain and possible medical injury  
7     without any legitimate purpose; isn't that true?

8             A.     I would think so.

9             Q.     In your view, is it acceptable  
10    correctional practice for an officer to spray a  
11    prisoner with immobilizing gas or pepper spray for  
12    making a request for assistance?

13            A.     Absolutely not.

14            Q.     What about for expressing a complaint?

15            A.     No.

16            Q.     What, for example -- what about, for  
17    example, if an inmate complains to an officer that  
18    he did not receive a food tray?

19            A.     There would be no justifying --  
20    justification for spraying an inmate for that.

21            Q.     Would there be a justification for  
22    spraying an inmate for asking to speak with the  
23    warden?

24            A.     No.

25            Q.     Would there be a justification for

1 planned, yes.

2 Q. Can you think of any other instances  
3 where you have some information from any source  
4 about an unjustified use of force at EMCF?

5 A. I know there's a lot of -- like I said,  
6 there's a lot of allegations. As far as me having  
7 direct knowledge of what happened or when it  
8 happened, I do not know.

9 Q. And are there a lot of instances where  
10 those allegations are actually corroborated?

11 A. Sometimes they're investigated and  
12 corroborated, yes.

13 Q. Prisoner-on-prisoner violence at EMCF is  
14 fairly commonplace, isn't it?

15 A. It is.

16 Q. Stabbings are fairly common?

17 A. Not fairly common, isolated, but there  
18 are stabbings, yes.

19 Q. What about beatings inmate-on-inmate?

20 A. They happen.

21 Q. And sexual assaults happen?

22 A. Rarely, but they do. The ones, like you  
23 said, that are reported.

24 Q. And extortion happens?

25 A. Yes.

1 Q. Do you know whether the other one is  
2 still working for MDOC?

3 A. I -- I don't know, ma'am.

4 Q. Did the investigation, as far as you  
5 know, vindicate these officers? That is did the  
6 internal investigation conclude that they had not?

7 A. I do not know that.

8 Q. Have you ever heard about an incident in  
9 2012 when an officer in the segregation unit  
10 escorted prisoners into a vestibule area between  
11 housing zones and opened a door allowing prisoners  
12 from a rival organization into the vestibule?

13 A. I've heard of that, yes.

14 Q. How did you hear about that?

15 A. Through film and investigation processes.

16 Q. Were you actually involved in that  
17 investigation?

18 A. No.

19 Q. But you did review the --

20 A. I have seen the video.

21 Q. How did you happen to see those videos?

22 A. I can't really remember to be honest with  
23 you. I've been involved in a lot of things at the  
24 management level at the facility, so I do have the  
25 opportunity or have had the opportunity to see

1 things. Even when I first came there as an  
2 officer, I was involved in the management team of  
3 the facility so...

4 Q. And did the investigation in that case  
5 conclude that the officer had voluntarily accessed  
6 pod doors in a lockdown unit to allow an assault to  
7 take place?

8 A. I would be speculating to tell you what  
9 the outcome was. I don't know what the outcome  
10 was.

11 Q. You have no idea? You never heard?

12 A. I -- really, it's speculation. I can't  
13 remember.

14 Q. Do you remember the name of the officer  
15 involved in that?

16 A. I am not sure because I just -- I can't  
17 remember.

18 Q. Do you remember any of the prisoners who  
19 were --

20 A. I do not, no. No.

21 Q. Did you ever hear anything about an  
22 incident, and this would have been in 2012, when a  
23 prisoner in segregation at EMCF, while in  
24 handcuffs, and actually being escorted by  
25 correctional officers was stabbed by other



1 prisoners?

2 A. Yes.

3 Q. How do you know about that incident?

4 A. It just depends on which one it was  
5 because I was involved in one of them.

6 Q. Do you remember such an incident  
7 involving [REDACTED]?

8 A. Names of inmates, I just don't know. I  
9 don't remember.

10 Q. Do you recall an incident when an inmate  
11 was stabbed while being escorted out of the shower  
12 in handcuffs?

13 A. I don't recall.

14 Q. If I understood you correctly, you said  
15 you were aware of a couple such incidents. Taking  
16 them one by one of incidents of inmates in cuffs  
17 and actually being escorted by correctional staff  
18 --

19 A. Uh-huh (affirmative response).

20 Q. -- being stabbed by other prisoners --

21 A. Uh-huh (affirmative response).

22 Q. -- could you, taking them one by one,  
23 tell me everything you know about each such  
24 incident taking them one at a time?

25 A. It's hard to tell you about specifics

1 both inmates. The staff who had the one inmate  
2 that was going to be stabbed took him back on the  
3 unit. The two staff escorting the inmate who tried  
4 to do the stabbing struggled with him on the  
5 ground, and myself and the deputy warden came down  
6 and assisted them in controlling the inmate.

7 Q. And the other incident involving a  
8 prisoner in handcuffs actually being escorted being  
9 stabbed by another prisoner, what do you know about  
10 that other incident?

11 A. That incident, at that time, on those  
12 units, there's an area where you enter into those  
13 units, and you either go this way (indicating) or  
14 that way (indicating) to Housing Unit 5 or 6, and  
15 it's kind of an office area, and this inmate was  
16 being escorted to one of the segregation units, and  
17 there were workers in that area, cleaners and stuff  
18 like that.

19 Q. Inmate cleaners?

20 A. Yes. And when that inmate came down  
21 under escort, a couple -- I think it was a couple  
22 of those inmates jumped on him and stabbed him  
23 while he was under escort.

24 Q. What happened to the assailants, the  
25 inmate assailants?

1 the 1980s to really go into --

2 Q. I see.

3 A. -- that.

4 Q. So you're talking about a -- a particular  
5 prison in Michigan 30 years ago?

6 A. Exactly.

7 Q. But talking about prisons in our era,  
8 let's say in the 21st century, did you ever see a  
9 prison, of the seven other prisons that you worked  
10 in, that compared to East Mississippi for  
11 prisoner-on-prisoner violence?

12 MR. FRIEDMAN: When he first got there?

13 MS. WINTER: Yes.

14 A. When I first got there, you know, to  
15 qualify that a little bit, I've been involved in  
16 many, many, many different incidents at all prisons  
17 --

18 Q. (By Ms. Winter) Uh-huh (affirmative  
19 response).

20 A. -- from riots to stabbings to deaths to  
21 escapes to just about everything you can think of,  
22 so there have been some more severe incidents at  
23 other prisons I worked at. In fact, much more  
24 severe, but as a -- as a whole in the  
25 prisoner-on-prisoner violence and lack of control

1 of that, it was worse. When I first got here, it  
2 was worse.

3 Q. And -- and is it your testimony that that  
4 has -- has the level of violence at EMCF gradually  
5 ebbed during the -- since the take over by MTC?

6 A. I think -- I think it's ebbed. I think  
7 it's had fluctuations. I think it's gone up and  
8 down and up and down sometimes.

9 Q. So I want you to try to leave aside in  
10 your mind, if you can, really extraordinary  
11 incidents that are, you know, worse than anything  
12 you've ever seen. Leaving aside those, but just  
13 looking at a whole at the day-to-day prison life,  
14 and taking into account that the level of violence  
15 at EMCF ebbs and flows, how would you compare that  
16 level of inmate-on-inmate violence to the level at  
17 the Michigan prisons that you've worked at? And,  
18 again, let's leave aside that one from 30 years ago  
19 in south Michigan.

20 MR. FRIEDMAN: Object to the form.

21 A. The level of violence is higher. It's  
22 higher.

23 Q. (By Ms. Winter) It's higher at EMCF?

24 A. Higher at EMCF, yes.

25 Q. And is that based on the number of

1 incidents, how -- how frequently they occur?

2 A. Yeah, I would say yes.

3 Q. And what else do you take into  
4 consideration when you -- when you arrive at the  
5 view that it's worse at EMCF than it was at the  
6 seven prisons you worked at in Michigan?

7 A. I -- I would equate a lot of it to the  
8 level of gang activity at the prison.

9 Q. Does a lot of the prisoner-on-prisoner  
10 violence at East Mississippi Correctional Facility  
11 involve -- is there a gang involvement?

12 A. In the majority of them, yes.

13 Q. In your view, is there a certain element  
14 of facilitation of gang activity by prison staff?

15 A. No.

16 Q. Is there any involvement?

17 A. Probably.

18 Q. If you are comparing staffing ratios --

19 A. Uh-huh (affirmative response).

20 Q. -- at East Mississippi to staffing ratios  
21 at the seven prisons in Michigan where you worked  
22 at --

23 A. Uh-huh (affirmative response).

24 Q. -- is it possible for you to make a  
25 comparison there?

1 A. Fairly equal.

2 Q. I think you've testified that the level  
3 of training is significantly less, staff training;  
4 is that correct?

5 A. Yes.

6 Q. And would it be fair to say that the --  
7 the level of pay is significantly less?

8 A. Yes.

9 Q. And the qualifications that are required  
10 to become a security staff member are significantly  
11 less --

12 A. Yes.

13 Q. -- is that correct? Very significantly  
14 less?

15 A. Yes.

16 Q. In your view, are staff at EMCF properly  
17 trained to deal with inmate-on-inmate violence?

18 A. I would say they are trained.

19 Q. But in your view, are they adequately  
20 trained?

21 A. In my view, no.

22 Q. What would be needed to more adequately  
23 train the staff to deal with inmate-on-inmate  
24 violence?

25 A. I think I stated earlier that whether you

1 had 16 weeks of training or three weeks of  
2 training, it's really time and experience and being  
3 able to retain your job for a lengthy period of  
4 time to learn how to deal with offenders. So it's  
5 more of an experience and time thing than it is a  
6 training thing.

7 Q. So in your view, is part of the problem  
8 that there are -- staff retention is not very good  
9 at East Mississippi?

10 A. Correct.

11 Q. And do you have any views on what the  
12 root of that problem is of staff retention?

13 A. If you're asking for personal views, I  
14 have personal opinions on that.

15 Q. What is your personal view?

16 A. I mentioned it earlier that part of the  
17 pool of people that you're dealing with in a small  
18 area, some of the prisons are in small rural areas.  
19 Meridian is not a small rural area, but it's the  
20 most relatively small town. You've been there for  
21 14 years. The prison has been there. You are  
22 fishing out of the same pond, so to speak, for the  
23 same type of staff for a \$10 an hour job, and  
24 sometimes you're even rehiring previous staff that  
25 had been terminated before for things or you're

1 just -- you're not -- the recruiting is not wide  
2 enough to bring in, and the pay is not good enough  
3 to bring in quality staff, and so that -- that has  
4 a lot to do with retention.

5 Q. So in order to have experienced staff,  
6 you have to be able to retain staff over a period  
7 of time?

8 A. Correct.

9 Q. And in order to retain staff, you would  
10 have to fish from a bigger pool and offer better --  
11 better pay or benefits; is that fair to say?

12 A. That's my opinion, yes.

13 Q. Is the Lauderdale County Sheriff  
14 sometimes called to the facility?

15 A. Yeah. Yes.

16 Q. Is the Sheriff or the -- is the Sheriff  
17 or the Sheriff's people called to the facility --  
18 facility with -- when there is criminal  
19 investigation needed regarding assaults or  
20 contraband issues like that?

21 A. Usually, they are called when it's a  
22 criminal investigation involving a staff member.

23 Q. Has the Lauderdale County Sheriff been  
24 called in from time to time while you've been at  
25 EMCF?



1 A. Many times, yes.

2 Q. And have they been called in many times  
3 during GEO -- during MTC's tenure as the operator?

4 A. Yes.

5 Q. You've mentioned that there were staff  
6 who were fired, but then rehired. Have there been  
7 staff who were fired under GEO and then rehired by  
8 MTC?

9 A. Yes.

10 Q. Could -- you mentioned, I believe it was  
11 a Lieutenant Mason who was --

12 A. Yes.

13 Q. -- a Lieutenant Mason was involved in the  
14 incident involving excessive force, was it?

15 A. Yes, ma'am.

16 Q. Was -- do you know whether Lieutenant  
17 Mason was one of those people who was fired under  
18 GEO and then retired by MTC?

19 A. Yes, he was.

20 Q. Do you know of any other such incidents  
21 where there were officers who were fired by GEO for  
22 some sort of impropriety and then retired by MTC?

23 A. I do, yes.

24 Q. Can you -- do you recall any of their  
25 names?

1 A. Yes.

2 Q. Could you name them, please?

3 A. Frederick Young, Patrick Thomas, Mattie  
4 Collins, Lieutenant Lee, who I mentioned earlier.  
5 There -- there's a laundry list of people who have  
6 been retired. I can't remember all of their names,  
7 officers, lieutenants, captains.

8 Q. Do you have a problem with that? Do you  
9 personally have any problem with that?

10 A. I do.

11 Q. The staff that you've mentioned or other  
12 staff who were fired by GEO and then retired by  
13 under MTC, do you know whether any of the offenses  
14 for which they were fired involved, let's say,  
15 dishonesty or lack of integrity?

16 A. I -- I'm not really sure what the  
17 instances of their termination were with GEO --

18 Q. But some of the --

19 A. -- but something happened.

20 Q. Yes. Do -- do you happen to know whether  
21 there are staff who were security staff who were  
22 let go at other MDOC institutions for some  
23 impropriety, just for an example somebody who was  
24 terminated at South Mississippi Correctional  
25 Institute --

1 observed some mental health emergencies, for  
2 example, suicide attempts?

3 A. I have been there for -- when I first  
4 started, there was one successful suicide since  
5 I've been at EMCF. There were others suicide  
6 attempts. There's a lot of mock attempts by mental  
7 health prisoners to get attention.

8 Q. Have you -- and I believe that you say  
9 that you have witnessed prisoners who've engaged in  
10 self-harm?

11 A. Kind of on a daily basis.

12 Q. And you've observed prisoners who appear  
13 to be acutely psychotic?

14 A. Yes, ma'am.

15 Q. And that happens on a daily basis?

16 A. Fairly routinely.

17 Q. And when you observe these prisoners who  
18 are in mental health emergencies of the kind we  
19 just described, does this happen -- do you observe  
20 this in general population?

21 A. Oh, yes.

22 Q. And also during lockdowns?

23 A. Sure.

24 Q. And also in segregation?

25 A. Uh-huh (affirmative response).

1 A. Yes, ma'am.

2 Q. -- less close confinement?

3 A. Yes, ma'am. But I'm fairly positive he's  
4 been moved back to long-term segregation.

5 Q. I want to ask you now about  
6 Mr. Fredenburg. You mentioned earlier that you  
7 know some things about Mr. Fredenburg, and I'd like  
8 for you to turn to paragraph 20 -- 211 of the  
9 complaint, which is the page --

10 A. Page 22?

11 Q. Page 51.

12 A. Page 51?

13 Q. I'd like to go through those allegations  
14 here with you and ask you if you know anything one  
15 way or the other about these allegations.

16 Paragraph 2011 says, "On September 5th, 2011,  
17 Mr. Fredenburg" --

18 MR. FRIEDMAN: 2012?

19 MS. WINTER: Pardon?

20 A. Yeah, 2012.

21 Q. (By Ms. Winter) Excuse me.

22 "September 5th, 2012, Mr. Fredenburg was brutally  
23 assaulted. Several officers were complicit in  
24 or facilitated the assault." Do you have any  
25 knowledge of Mr. Fredenburg being assaulted in

1 September 2012?

2 A. I do know of this incident, yes.

3 Q. And how is it that you know about this  
4 incident?

5 A. Like I testified earlier, I was involved  
6 in doing an investigation on Mr. Fredenburg when he  
7 was going to be released from long-term segregation  
8 to general population, and he was in fear of his  
9 life coming off of a lockdown unit going to general  
10 population. He said he feared staff as well as  
11 they were going to put him on Housing Unit 6 where  
12 other inmates who were involved in this were  
13 housed.

14 Q. I see. So when this incident that Mr.  
15 Fredenburg says happened on September 5th, 2012,  
16 when that incident occurred, it wasn't until  
17 sometime later that you found --

18 A. Uh-huh (affirmative response).

19 Q. -- out about that incident?

20 A. I knew of this incident when it happened,  
21 but I wasn't directly involved --

22 Q. I see.

23 A. -- in that capacity to investigate it. I  
24 knew of the staff that were involved in it and the  
25 discipline that was taken against the staff.

1 Q. So if you knew about it at the time that  
2 it happened?

3 A. Uh-huh (affirmative response).

4 Q. How did it come to your attention that on  
5 September 5th, 2012, he was assaulted by staff?

6 A. Because there was an ongoing  
7 investigation about it, and two of my staff were  
8 involved in that incident, and just by being a  
9 captain there, I knew about it.

10 Q. I see. So reading you paragraph 2012, it  
11 says, "That morning," that is September 5th, 2012,  
12 "two officers escorted Mr. Fredenburg from the  
13 showers and locked him in his cell."

14 A. Uh-huh (affirmative response).

15 Q. Do you know those two officers?

16 A. Yes, I do.

17 Q. What were their names?

18 A. Kendrick Green and the other guy's name  
19 was T. Brewster. Terry or something. I'm not sure  
20 of his actual first name.

21 Q. And -- but the paragraph goes on to say,  
22 "Shortly after, the officers escorted another  
23 prisoner to Mr. Fredenburg's cell." Were these the  
24 same officers, T. Brewster and --

25 A. To my knowledge, they were the only two

1 that were involved in this incident.

2 Q. Continuing with the -- with paragraph  
3 2012, "This second prisoner disabled the locking  
4 mechanism in Mr. Fredenburg's cell. Six other  
5 prisoners on the zone also disabled their locks  
6 allowing them to come and go as they pleased."  
7 These allegations -- were these allegations like  
8 these ever confirmed in the investigation of this  
9 incident?

10 A. I believe they were. I mean, they could  
11 have been confirmed by videotape, and we would  
12 know. Those are lockdown units, if inmates came  
13 out, it would have been confirmed, but do I have  
14 direct knowledge of whether it was or not, I do  
15 not.

16 Q. But through the course of the  
17 investigation, you believe that these allegations  
18 were confirmed?

19 A. Yes, I do.

20 Q. And then it goes on to say that other  
21 prisoners -- it says, "Other prisoners also  
22 disabled their locks allowing them to come and go  
23 as they please, a common occurrence at EMCF." You  
24 agree that that does happen at EMCF, correct?

25 A. And at that time much more prevalent than

1 it does now.

2 Q. But it still happens now, correct?

3 A. Yes, it does.

4 Q. The complaint at paragraph 2013 then  
5 says, "The officers then exited the zone for the  
6 day leaving the zone unattended." Did that happen?

7 A. I do not know.

8 Q. Do you know whether the investigation  
9 confirmed that that happened?

10 A. I'm sure it would have.

11 MR. FRIEDMAN: Do you know?

12 THE WITNESS: Do I know, no.

13 MR. FRIEDMAN: Just testify what you  
14 know.

15 THE WITNESS: Yes, sir.

16 Q. (By Ms. Winter) Do you believe that the  
17 investigation corroborated that allegation?

18 A. I don't know.

19 Q. I understand that you don't know  
20 firsthand.

21 A. Do I believe it, yes, I think it would  
22 have.

23 Q. It then says, "The prisoner that staff  
24 escorted into Mr. Fredenburg's cell took him to  
25 another cell where four prisoners viciously beat



1 him and stomped on his face." Do you have any idea  
2 whether the investigation corroborated that  
3 allegation?

4 A. I -- I do not know.

5 Q. I understand that you -- you don't know,  
6 but is it your understanding or your belief that  
7 that -- it was corroborated that the prisoners that  
8 staff escorted into Mr. Fredenburg's --

9 A. I honestly -- you really can't even  
10 speculate it. I don't know what the extent of the  
11 issue or the attack was, and so I really don't  
12 know.

13 Q. Okay.

14 A. I know there was an investigation and  
15 officers were disciplined. That's basically what I  
16 know.

17 Q. Do you know that Mr. Fredenburg was  
18 injured?

19 A. I believe he was beat up pretty good.

20 Q. And then the next allegation is: "An  
21 officer remained in the control tower throughout  
22 the assault on Mr. Fredenburg. The officer had  
23 full access to the security monitoring -- to the  
24 security cameras monitoring the zone and the  
25 electronic system that indicates which cell doors

1 are open." Do you have any information as to  
2 whether that happened?

3 A. Whether -- say it again for me, please.

4 Q. Uh-huh (affirmative response). That an  
5 officer was in the control tower throughout the  
6 assault on Mr. Fredenburg.

7 A. There would have been an officer in the  
8 control tower, yes.

9 Q. And this officer would have had full  
10 access to the security cameras that were monitoring  
11 the zone?

12 A. At that time, we had a multiple camera  
13 monitors there, which showed every zone, yes.

14 Q. And this officer would also have had  
15 access to the electronic system that indicates  
16 which cell doors are open --

17 A. Correct.

18 Q. -- correct? Correct?

19 A. Correct.

20 Q. And this officer nevertheless allowed the  
21 beating to proceed, correct?

22 A. It -- it proceeded. I don't know if that  
23 officer allowed it or not.

24 Q. Is it your understanding that Mr.  
25 Fredenburg remained seriously injured in his cell

1 without help?

2 A. I don't know the aftermath of -- of what  
3 happened to Mr. Fredenburg as far as when he got to  
4 medical, did he get to medical. I don't know.

5 Q. So then there came a time when Mr.  
6 Fredenburg was going to be moved to a -- was that  
7 to a --

8 A. General population.

9 Q. -- general population? And how much  
10 later was it that you had a communication with Mr.  
11 Fredenburg about that move?

12 A. It was -- it was quite a bit later. I  
13 know Warden Shaw was still the warden there because  
14 he's the one who directed me to do the  
15 investigation on it, so -- and he didn't leave  
16 until Warden Buscher came until about six, seven  
17 months ago, so this happened in March.

18 Q. It was in March that Mr. Fredenburg was  
19 going to be moved, in March of --

20 A. No, that's when this -- when did the  
21 incident happen?

22 Q. The incident happened on --

23 A. On September 5th.

24 Q. -- September 5th, 2012.

25 A. No, that was much later than March, I

1 believe.

2 Q. So sometime much later than September  
3 5th, 2012, Mr. Fredenburg was going to be moved,  
4 and you became aware of that, correct?

5 A. Yes, ma'am.

6 Q. Had -- had you already done your  
7 investigation of the September 5th, 2012 incident?

8 A. No, ma'am.

9 Q. No? Had anybody investigated that  
10 incident at that point that you know of?

11 A. The September 5th assault?

12 Q. Pardon?

13 A. Well, that would have been investigated  
14 for the staff to be disciplined for it, yes.

15 Q. So do you know when that investigation  
16 occurred?

17 A. No, I do not. It had to have happened  
18 fairly simultaneously to the incident.

19 Q. Okay. So then sometime months later --

20 A. Right. I'm not sure exact time frame.

21 Q. -- but you think it might have been later  
22 than March of 2013?

23 A. Yes.

24 Q. Mr. Fredenburg was going to be moved into  
25 general population?

1 A. March 2012, so --

2 Q. March?

3 A. -- it was sometime in --

4 Q. Well, March, wouldn't it have been March  
5 2013, if he was going to -- the incident occurred  
6 in September of 2012?

7 A. Yes, yes. Yes, exactly, you're right.

8 Q. So March 2013 or later, he -- he wanted  
9 to talk to you?

10 A. He didn't really approach me at all. I  
11 was approached through formal channels to  
12 investigate this inmate being moved to -- he had  
13 filed a complaint to somebody.

14 Q. Saying that he didn't want to be moved?

15 A. Yes.

16 Q. Saying that he was afraid to be moved?

17 A. Yes.

18 Q. And you were assigned to look into that  
19 complaint?

20 A. Correct.

21 Q. So what happened when you were assigned  
22 to look into that complaint?

23 A. Well, usually, when I do an  
24 investigation, I first look up the facts, so I went  
25 and looked up the facts of was there an incident in

1 the first place, which I was aware there was one,  
2 but I wanted the facts. I wanted were there -- was  
3 there an investigation, were there any RVRs, you  
4 know, rule violation reports written, discipline,  
5 so I could -- when I did talk to the prisoner, I  
6 could verify his -- you know, his account of the  
7 incident.

8 Q. Would you have reviewed the videos, if  
9 there were any?

10 A. I -- I didn't review any videos.

11 Q. Do you know if there were any?

12 A. I do not know to be honest with you, and  
13 I -- then I interviewed the inmate. I wrote a  
14 report, and I turned it in to Warden Shaw for  
15 processing through, you know, MDOC, et cetera, and  
16 my recommendation was, no, that he not be housed on  
17 Housing Unit 6. I do believe that Mr. Fredenburg  
18 did not file any red tags against some of these  
19 inmates as he wasn't sure of their identities, but  
20 knew who they were by name or nickname or gang name  
21 or whatever, and where they locked. He also stated  
22 that he was in fear of his own gang. He is a Simon  
23 City Royal, and was in fear of his gang because he  
24 violated some of their rules and procedures as  
25 well, so -- the whole thing was he didn't want to

1 be on Housing Unit 6. He wanted to go to Housing  
2 Unit 1.

3 Q. Housing Unit 6, what is the significance  
4 of him being moved to Housing Unit 6? Would it  
5 have been to 6 Delta --

6 A. No.

7 Q. -- the -- so it would not have been -- it  
8 was not being posed that he go to segregation in 6  
9 Delta, it was into a general population area --

10 A. Correct.

11 Q. -- of 6?

12 A. Yes, ma'am.

13 Q. And he was afraid that the assailants  
14 were housed there?

15 A. Yes.

16 Q. What -- you recommended that he not be  
17 moved to 6 Delta -- I mean, to Unit 6 --

18 A. Correct.

19 Q. -- correct?

20 A. (Witness nods head affirmatively.)

21 Q. Did you recommend where he should be  
22 moved?

23 A. I recommended that he was a good  
24 candidate to be moved to Housing Unit 1, which was  
25 our next closed security unit, which was still in

1 general population, closed security just like 6 A,  
2 B and C, but a -- considered a more safer area.

3 Q. Safer area, that's what he had requested?

4 A. Yes, ma'am.

5 Q. In your investigation, did you make any  
6 findings about whether he had, in fact, been  
7 assaulted?

8 A. I did verify that there was an incident.  
9 I verified with our investigators. I verified all  
10 of the paperwork, and it said that this inmate was  
11 involved in an incident that occurred, that two  
12 staff were terminated because of it. There's --  
13 there's a full report on it somewhere, but, yes, I  
14 did determine all of that, that it would not be in  
15 his best interest to be housed in those areas.

16 Q. What -- to your -- to the best of your  
17 information or things you might have heard, was it  
18 ever determined why security staff would have  
19 allowed a beating to proceed?

20 A. I believe extortion was involved,  
21 collusion or whatever you want to call it, inmates  
22 and staff being involved with each other.

23 Q. At paragraph 218 on Page 52 --

24 A. Uh-huh (affirmative response).

25 Q. -- there's another example. There are no